

Senate TrumpCare Bill Does Not Protect Americans with Pre-Existing Conditions

TrumpCare Fails the “Jimmy Kimmel Test”

Some news outlets are erroneously reporting that the Senate TrumpCare bill protects Americans with pre-existing conditions – it does not. As Senators consider this bill, they should keep in mind all those with pre-existing conditions who will be impacted by this bill.

Almost immediately following House passage of TrumpCare, Senator Bill Cassidy responded to late night Comedian Jimmy Kimmel’s poignant monologue on pre-existing conditions and outlined the “Jimmy Kimmel Test” for coverage for Americans with pre-existing conditions:

Senator Bill Cassidy, M.D. (R-LA): “I ask does it pass the Jimmy Kimmel test... Would the child born with a congenital heart disease be able to get everything she or he would need in that first year of life ... even if they go over a certain amount?” [CNN, [5/5/17](#)]

Let’s look at an example of someone with a pre-existing condition: a child with a congenital heart disease. Would they be protected under the Senate TrumpCare bill? No. Here’s why:

- ✓ Families of children with congenital heart disease face extraordinary costs just to keep their children alive. The [average price of a congenital heart surgery admission](#) for pediatric patients was \$92,529 in 2008 – with costs exceeding \$200,000 in some cases. Under the Senate TrumpCare bill, [states could simply waive essential health benefits](#) – including hospitalization – leaving middle class families to bear the full cost of treatment. For many, [this could mean bankruptcy](#).
- ✓ Under TrumpCare, insurers could once again impose annual and lifetime limits on benefits – both in the state marketplaces and for those with employer-based coverage. For a child with a congenital heart disease, [health care costs could easily exceed annual limits](#) in their first year and exceed lifetime limits before reaching adulthood.
- ✓ TrumpCare [allows states to waive the “single risk pool”](#) requirement under current law and repeals the requirement in the Affordable Care Act that waivers must “provide access to quality health care that is at least as comprehensive and affordable.” This means that under the Republican plan, children with congenital heart disease and others with pre-existing conditions could be effectively forced into costly plans in a separate high-risk pool – which have historically had higher premiums, higher deductibles, and higher out-of-pocket costs - in order to ensure coverage for the care required for their particular conditions.
- ✓ Steep cuts in Medicaid under TrumpCare – nearly \$1 trillion in funding – would force states to [reduce eligibility, slash benefits, and reduce provider payments](#), severely limiting access and choices for those on Medicaid. Children with congenital heart disease require highly specialized care and access to a network of providers that can meet their complex needs. TrumpCare’s Medicaid cuts will drive physicians out of the program, reducing access to essential care for children and adults alike.
- ✓ At one time, [just 20% of children with congenital heart disease lived past their first year](#). Now, thanks to medical advancements and increased access to quality care, up to 90% of children with congenital heart disease will reach adulthood. TrumpCare risks turning back the clock – denying access to affordable care to children just like Jimmy Kimmel’s son.

Here's a look at how the press and outside experts explain why TrumpCare doesn't protect Americans with pre-existing conditions:

NBC: Inside the Health Care Bill: Trump Wanted 'Heart.' He Didn't Get It

“Medicaid covers about 70 million Americans, including low-income residents, seniors in nursing homes (over 60 percent of whom are on Medicaid) and people with disabilities. The Senate bill would restructure the program, cap its spending and reduce its funding significantly over time.” [NBC, [6/22/17](#)]

Washington Post: How the Senate health-care bill will drop people with preexisting conditions

“But the Senate outline — like the House bill — still allows states to waive coverage of essential health benefits....By allowing those waivers, the Senate outline also allows waivers of the ACA's ban on lifetime and annual limits on coverage. The two protections are linked: The ban on limits applies only with respect to essential health benefits. If states restrict what is considered an essential health benefit, insurers can then impose lifetime and annual caps on all other types of coverage.”

“As the nonpartisan Congressional Budget Office recently confirmed, **waivers of essential health benefits and the ban on lifetime and annual limits would increase patients' out-of-pocket costs by thousands of dollars.** These waivers would be especially devastating for people with cancer or other diseases that require expensive drugs.” [Washington Post, [6/14/17](#)]

Center for Budget and Policy Priorities: If Senate Republican Health Bill Weakens Essential Health Benefits Standards, It Would Harm People with Pre-Existing Conditions

“In analyzing the House bill provision allowing states to waive the EHB requirements, the Congressional Budget Office (CBO) estimated that states with half the nation's population would do so....**Many insurers would, as noted, reduce and restructure the benefits they cover to entice healthy people to enroll while discouraging those in poorer health or with pre-existing conditions from signing up.** CBO predicts, for example, that many insurers would exclude mental health services, maternity care, and treatment of substance use disorders.”

“In short, if the emerging Senate Republican bill lets states eliminate or weaken EHBs as news reports suggest it is likely to do, it simply won't protect people with pre-existing medical conditions, despite claims to the contrary.” [CBPP, [6/12/17](#)]

Center for American Progress: Senate Repeal Bill Would Still Eviscerate Coverage and Protections for People with Pre-Existing Conditions

“As a result, people with pre-existing conditions in waiver states would face significantly higher costs and find it much harder to find insurance plans that actually covered treatment for even relatively common conditions such as mental health problems or diabetes. The Center for American Progress estimates that in the individual market, 5.3 million enrollees with pre-existing conditions would live in states that waive EHBs and thus see their protections eroded.”

“In addition, the problem would be particularly acute for older Americans, who would face much higher premiums under the AHCA, as well as for millions of low-income Medicaid enrollees, who would lose comprehensive coverage due to the AHCA's \$834 billion in cuts to that program.” [CAP, [6/9/17](#)]

Center for American Progress:

“The Senate Republican bill, however, seems likely to keep the requirement that insurers not discriminate based on pre-existing conditions, meaning that insurers offering comprehensive plans would have to accept enrollees with costly conditions. Given those requirements, some experts argue that insurers in states that eliminate EHBs altogether would offer significantly less comprehensive plans than were available in the pre-ACA market so as to exclude the most expensive conditions.” [CAP, [6/20/17](#)]

Office of Democratic Whip Steny H. Hoyer, 6/23/2017